

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ANTHONY JOE, Plaintiff, v. MICHIGAN DEPARTMENT OF CORRECTIONS, et al., Defendants.	Case No. 22-12085 Honorable Shalina D. Kumar Magistrate Judge Patricia T. Morris
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**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 10),
GRANTING DEFENDANTS' MOTION TO DISMISS (ECF NO. 3),
DISMISSING PLAINTIFF'S COMPLAINT (ECF NO. 1),
AND DENYING PLAINTIFF'S MOTION FOR EXTENSION OF TIME AS
MOOT (ECF NO. 13)**

Plaintiff Michael Anthony Joe, proceeding *pro se*, sued defendants Michigan Department of Corrections (MDOC) and Correctional Facilities Administrator Heidi Washington alleging violations of 18 U.S.C. §§ 245, 242, 241, "the 2006 Convention of Persons with Disabilities," and the "1984 Convention against Torture." ECF No. 1. Defendants filed a motion to dismiss Joe's complaint (ECF No. 3) and Joe filed a response (ECF No. 9) to defendants' motion. This case was referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. § 636(b). ECF No. 7.

On November 2, 2022, the assigned magistrate judge issued a Report and Recommendation (R&R). ECF No. 10. The R&R recommends this Court grant defendants' motion and dismiss Joe's complaint because the statutes (and conventions) he alleges the defendants violated do not support a private cause of action. Joe thus did not state a claim upon which relief may be granted. Neither party filed an objection to the R&R.

The Court has reviewed the record and the R&R is hereby **ADOPTED** and entered as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that defendants' motion to dismiss (ECF No. 3) is **GRANTED** and the complaint (ECF No. 1) is **DISMISSED**. Joe's motion for an extension of time to conduct further discovery (ECF No. 13) is **DENIED AS MOOT**.

Dated: May 24, 2023

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge